

UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JOHN MUSACCHIA

Application No. 09/174,868



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 2, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

The Examiner's Answer (Paper No. 30) paragraph (10) refers to the Final Rejection for the ground(s) of rejection. However there is more than one Final Rejection present in the file, Paper No. 16 (filed September 9, 2001) and Paper No. 24 (filed September 24, 2002). It is unclear which of these Final Rejections paragraph (10) refers to. It should state clearly in paragraph (10) to which paper the final rejection refers.

Application No. 09/174,868

Accordingly, it is

ORDERED that the application is returned to the Examiner to clarify what paper the final rejection in paragraph (10) is referring to and for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____


KIMBERLY B. JORDAN

Program and Resource Administrator
(703) 308-9797

cc: Gerald E. Helget
Briggs and Morgan P.A.
2400 IDS Center
80 South Eight Street
Minneapolis, MN 55402

KRJ/eld
RA04-0030